

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JERRIS BLANKS,

Plaintiff,

V.

WARDEN S. SALMONSON

Defendant.

[illegible]

CASE NO. 5:21-CV-00147-RWS-JBB

ORDER

Petitioner Jerris Blanks, an inmate formerly confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to a United States Magistrate Judge for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge determined that petitioner's claims do not serve as a proper basis for habeas relief. Docket No 16. Accordingly, the Magistrate Judge recommended the above-styled petition be dismissed without prejudice to petitioner's ability to pursue his claims by filing a separate civil rights action. *Id.*

Petitioner's civil rights claims were subsequently severed from this petition into a separate civil rights action to avoid any such claims from potentially being barred by the statute of limitations if petitioner had re-filed the claims on his own accord. Petitioner's severed civil rights claims are now pending before the Court as Civil Action No. 5:22-cv-00086, styled *Blanks v. Warden S. Salmonson*.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Petitioner acknowledged receipt of the Report and Recommendation on January 6, 2022. Docket No. 17. No objections to the Report and Recommendation have been filed. Thus, any aggrieved party is barred from *de novo* review by the district court of the proposed findings and recommendations of the Magistrate Judge.

Because the petitioner did not file objections to the Report and Recommendation, this Court reviews the Magistrate Judge's findings of fact and conclusions of law for plain error. *Rodriguez v. Bowen*, 857 F.2d 276, 276–77 (5th Cir. 1988). There being no grounds of plain error or manifest injustice, the Court hereby **ADOPTS** the Report and Recommendation of United States Magistrate Judge (Docket No. 16) as the findings and conclusions of this Court. Accordingly, it is

ORDERED that this petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** to petitioner's ability to pursue his claims by filing an appropriate civil action.

A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

IT IS SO ORDERED.

SIGNED this 25th day of August, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE